

**OFFICIAL FILE**

**ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**

2008 JUN 10 A 11:09

Jeffrey Mandalis Copyright MMVIII :

-vs- :

The Peoples Gas Light and Coke  
Company :

Complaint as to billing/charges  
in Chicago, Illinois. :

08-0310  
CHIEF CLERK'S OFFICE

**RESPONDENT'S MOTION TO DISMISS COMPLAINT**

Now comes the Respondent, The Peoples Gas Light and Coke Company ("Peoples Gas" or Respondent"), by and through its attorney, Mark L. Goldstein, and moves to dismiss the complaint filed by Jeffrey Mandalis Copyright MMVIII ("Mandalis"), and in support thereof, states as follows:

1. Mandalis has failed to cite to any specific violation of the Illinois Public Utilities Act (Act"), the rules of the Illinois Commerce Commission ("Commission"), or the tariffs of Respondent because there are no violations of the foregoing.
2. Jeffrey Mandalis Copyright MMVIII is a fictitious name and the name of the gas account at issue is in the name of Jeffrey Mandalis and so the complaint should be stricken on this basis alone.
3. Mandalis contends that he drafted and remitted to Respondent a credit which Peoples Gas refused to accept. Mandalis further contends that the credit drafted at par value equal to what he owes Respondent should be accepted. (See Paragraph 3 of Formal Complaint and what Mandalis wants the Commission to do in this case)
4. Mandalis has failed and refused to pay his gas bills in legal tender recognized and accepted by Peoples Gas as a payment of his gas bills.

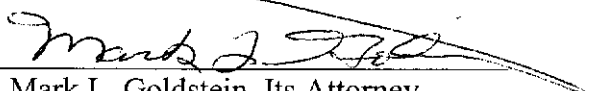
5. This Commission lacks jurisdiction to hear this complaint because Mandalis has failed to properly invoke its jurisdiction by failing to cite to any violation of the Act, the Commission's rules or Respondent's tariffs.

6. Attached hereto and made a part hereof is the Affidavit of John Riordan on behalf of Peoples Gas setting forth the manner of acceptable payment of gas bills by customers, including Mandalis.

7. Based on all of the foregoing, the complaint filed by Jeffrey Mandalis MMVIII should be dismissed with prejudice.

Wherefore, The Peoples Gas Light and Coke Company respectfully requests that the complaint filed by Jeffrey Mandalis Copyright MMVIII be dismissed with prejudice.

Respectfully submitted,  
The Peoples Gas Light and Coke Company

By:   
Mark L. Goldstein, Its Attorney

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NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on June 6, 2008, I filed with the Chief Clerk of the Commission Respondent's Motion to Dismiss Complaint, attached hereto, copies of which are hereby served upon you.



Mark L. Goldstein, Attorney for Respondent  
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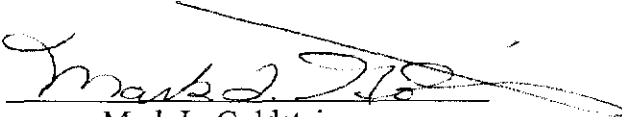
**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2008, I served a copy of the attached Respondent's Motion to Dismiss Complaint, by causing copies thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties indicated below:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Jeffrey Mandalis  
Lock Box 805533  
Chicago, IL 60680

Mr. John Riley  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601

  
Mark L. Goldstein